UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DANIEL J. LANG,
CDCR #C-82516,

Plaintiff,

vs.

TERESA SCHWARTZ, et al.,

Defendants.

Civil No. 08-0238 JLS (CAB)

ORDER GRANTING PLAINTIFF'S EX PARTE MOTION FOR EXTENSION OF TIME TO FILE FIRST AMENDED COMPLAINT

[Doc. No. 6]

Plaintiff, an inmate currently incarcerated at the Richard J. Donovan Correctional Facility located in San Diego, California and proceeding pro se, has filed a civil rights Complaint pursuant to 42 U.S.C. § 1983.

On May 12, 2008, the Court sua sponte dismissed Plaintiff's Complaint for failing to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1). *See* May 12, 2008 Order at 6-7. Specifically, the Court granted Plaintiff forty-five days leave to amend his Complaint. *Id.* at 6. On June 19, 2008, Plaintiff filed a motion requesting a sixty (60) day extension of time to file his First Amended Complaint [Doc. No. 6]. "'Strict time limits . . . ought not to be insisted upon' where restraints resulting from a pro se prisoner plaintiff's incarceration prevent timely compliance with court deadlines." *Eldridge v. Block*, 832 F.2d 1132, 1136 (9th Cir. 1987) (citing *Tarantino v. Eggers*, 380 F.2d 465, 468 (9th Cir. 1967); *see also Bennett v. King*, 205

F.3d 1188, 1189 (9th Cir. 2000) (reversing district court's dismissal of prisoner's amended pro se complaint as untimely where mere 30-day delay was result of prison-wide lockdown).

Conclusion and Order

In light of the foregoing, the Court hereby **GRANTS** Plaintiff's request for an extension of time in which to file a First Amended Complaint. [Doc. No. 6]. Plaintiff's First Amended Complaint, should he elect to file one, must be filed with the Court no later than **Friday, September 5, 2008.** Plaintiff's First Amended Complaint must comply in all other respects with the Court's May 12, 2008 Order.

IT IS SO ORDERED.

DATED: July 8, 2008

Janis L. Sammartino

Honorable Janis L. Sammartino
United States District Judge